

Article 7: Gaslamp Planned District

*(“Gaslamp Planned District” added 3-27-2007 by O-19588 N.S.;
effective 4-26-2007.)*

Division 4: General and Supplemental Regulations

*(“General and Supplemental Regulations” added 3-27-2007 by O-19588 N.S.;
effective 4-26-2007.)*

§157.0401 Off-Street Parking, Construction, Maintenance and Operation Regulations

No off-street surface parking shall be visible from the street frontage. Such parking shall be restricted to the rear 50 percent of any parcel along Fifth Avenue. Such parking shall be in conformance with Land Development Code Section 142.0560 (Development and Design Regulations for Parking Facilities). Such parking shall also be in substantial conformance with the Architectural Controls as specified in this Planned District Ordinance. Substantial conformance shall be determined by the President; said determination shall be subject to appeal in the manner set forth in Section 157.0202.

(“Off-Street Parking, Construction, Maintenance and Operation Regulations” added 3-27-2007 by O-19588 N.S.; effective 4-26-2007.)

§157.0402 Signs

Initial application for a sign permit shall be made to CCDC in accordance with the requirements of the Land Development Code Chapter 12, Article 9, Division 8 (Sign Permit Procedures). The President shall review the application and provide a recommendation to the City Manager within 10 calendar days from of the date of receipt of the application.

(a) Regulations

The structure, content, lettering, location, size, number, illumination, color, projection and other characteristics of all signs in the Gaslamp Quarter District shall be subject to the following regulations:

- (1)** Signs shall be pedestrian oriented in size and shape. Lettering and symbols shall be simple and bold.

- (2) The area of all signs on a building shall not exceed an area of two square feet for each foot of street frontage occupied by the building, and shall in no event exceed a total of 100 square feet on each street frontage.
- (3) No roof sign shall be permitted.
- (4) A sign may not project perpendicularly beyond the property line more than 6 feet. This limitation shall apply to signs only.
- (5) Projecting signs for each establishment shall be limited to one 18 square foot double space sign on each street frontage occupied by the establishment. Faces of double sided signs shall be parallel.
- (6) The tops of all signs shall be placed entirely below the level of the lowest cornice or strong horizontal element located above the ground story of the building, but in no event higher than 3 feet above the top of the ceiling level of the ground story, with the exception of simply black or gold letters which may be applied to windows above the first floor. Lettering should be contemporary to the period in which the building or structure was built.
- (7) All illumination shall be by means of gas and/or incandescent bulbs to be in keeping with the lighting of the period.
- (8) Nothing herein shall prohibit flashing, moving, or animated signs providing that all provisions and conditions stated above are met.
- (9) Preservation of historic commercial graphics painted on the sides of buildings shall be encouraged.
- (10) Historical Signs: All requests for signs not conforming to that permitted in the above paragraphs shall be accompanied by documentary evidence that signs of such size and advertising such a business were in use in the area prior to 1910. Signs must conform in size, shape, design, material, coloring, lighting and location to the Pre-1910 period. Documentary evidence must be approved by the Historical Resources Board.

(b) Compliance

Signs in existence on the effective date of Ordinance No. O-11870 which do not conform to the provisions of the Gaslamp Quarter Planned District Ordinance but which were constructed, erected, affixed, or maintained in

compliance with all previous regulations shall be regarded as previously conforming signs. Previously conforming signs shall be removed no later than 7 years from the date they became previously conforming. For previously conforming signs in existence on or before August 13, 1976, the effective date for removal of these signs is August 13, 1983. If the event signs become previously conforming by amendments to the sign regulations of the District they shall be removed no later than 7 years from the date they became previously conforming.

Previously conforming signs or parts thereof, including sign supports, may be declared "Public Nuisances" and then shall be abated as prescribed by law.
(*"Signs" added 3-27-2007 by O-19588 N.S.; effective 4-26-2007.*)

§157.0403 Public Facilities, Structures and Area

All open spaces, streets, sidewalks, street furniture, street signs, lighting installations, and any incidental structures or monuments, shall conform to the intent of this Planned District Ordinance, which is to re-create the history of the character of the Gaslamp Quarter in general accord with the period between 1880 to 1910 and shall be subject to the same regulations, conditions and standards established herein.
(*"Public Facilities, Structures and Area" added 3-27-2007 by O-19588 N.S.; effective 4-26-2007.*)

§157.0404 Regulations for Historic and Architecturally Significant Structures

(a) Alterations

Land Development Code Chapter 12, Article 7, Division 1 (Previously Conforming Premises and Uses) does not apply to historic or architecturally significant buildings, structures, or sites as designated by the Historical Resources Board.

(b) Exceptions

The President may grant an exception to any regulation within this Planned District Ordinance including permitted uses, when the exception is necessary to permit the preservation or restoration of a historic or architecturally significant building, structure or site. The President may not grant exceptions to building code or fire code requirements. An exception shall be subject to the following conditions:

- (1) The subject building, structure or site must be identified by the Historical Resources Board as being historic or architecturally significant;

- (2) The proposed exception shall be referred to CCDC and the Historical Resources Board for a report and recommendation;
- (3) The President in granting an exception shall make a finding that the exception is necessary to permit the preservation or restoration of a historic or architecturally significant building, structure or site; that strict application of the provisions contained in this Planned District Ordinance would result in economic or other practical difficulties in securing the preservation or restoration of a historic or architecturally significant building, structure or site, and that the granting of an exception will not be injurious to the community or detrimental to the public welfare; and
- (4) In making a decision, the President shall make a written finding which shall specify facts relied upon in rendering his or her decision. A copy of this written finding, together with all evidence presented to the President, including plans required elsewhere in this Planned District Ordinance shall be filed along with the President's decision in the office of the City Clerk and the CCDC. The written finding and decision shall be mailed to the applicant and is subject to appeal as provided in Section 157.0202.

(“Regulations for Historic and Architecturally Significant Structures” added 3-27-2007 by O-19588 N.S.; effective 4-26-2007.)

§157.0405 Minimum Maintenance of Structure and Facilities

(a) Purpose and Intent

The purpose of this Section is to provide the Gaslamp Quarter District with the assurance that certain conditions in the area which contribute to blight will be corrected so as to preserve and protect the health, safety and welfare of the area as a whole, provide a safe and pleasant environment, and assist in the implementation of the Gaslamp Quarter Redevelopment Plan.

- (1) The Gaslamp Quarter has been found and declared to be a "blighted" area as defined by the Community Redevelopment Law (California Health and Safety Code Section 33000 et seq.), and such "blighted" conditions that exist in the District have been determined by the legislature to be inimical to the public health, safety and welfare. Due to these conditions, certain buildings and uses may be found to be injurious and inimical to the public health, safety and welfare.
- (2) It is further found and determined that the adoption and enforcement of this section of the ordinance is a critical element necessary and

appropriate to implement the Redevelopment Plan for the Gaslamp Quarter and achieve the beneficial and remedial objectives of the Plan for the Gaslamp Quarter Redevelopment Project Area.

(b) Enforcement

The City Manager is hereby designated as the officer to exercise the powers assigned by this Planned District Ordinance in relation to blighted buildings in the Gaslamp Quarter. The City Manager is authorized and directed to adopt, promulgate, amend, and administrate rules consistent with the Planned District Ordinance and necessary to carry out of the duties of the City Manager hereunder.

(c) Right of Entry

Whenever necessary to make an inspection to enforce any of the provisions of this Planned District Ordinance or whenever the City Manager has reasonable cause to believe that there exists in any building or upon any premises any condition which makes such building or premises physically blighted as defined in the adopted Gaslamp Quarter Redevelopment Plan and Section 157.0405(c) and upon presentation of proper credentials, the City Manager may, with the consent of the occupant or with the consent of the owner or person in charge of an unoccupied building or pursuant to a lawfully issued warrant, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the City Manager by this Planned District Ordinance.

(1) No owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper demand pursuant to a lawful warrant is made, to promptly permit entry therein by the City Manager for the purpose of inspection and examination pursuant to this Planned District Ordinance.

(2) In order to enforce this Planned District Ordinance, the City Manager shall investigate all buildings on a regular basis.

(d) Minimum Maintenance Standards

All buildings or structures shall be maintained in accordance with the following standards in order to provide for the preservation of the buildings or structures and to arrest and correct conditions of deterioration in the absence of which the buildings or structures will become blighted and will contribute significantly to the spread of blight throughout the Gaslamp District:

- (1) Adequate and effective weather protection shall be provided:
 - (A) To prevent interior walls, ceiling and coverings from crumbling, breaking, falling or becoming loose.
 - (B) To prevent deterioration of exterior walls due to ineffective or non-existent exterior wall cover, lack of paint or other approved protective coating.
 - (C) To prevent exterior walls or roofs from becoming broken, split, decayed or buckled.
 - (D) By maintaining all doors and windows in weathertight condition.
- (2) Adequate and effective maintenance of building fronts and sides abutting streets, rear and side walls and roofs shall be provided.
 - (A) Decorative elements of building fronts and sides abutting streets shall be structurally sound. Unsound, rotten or weakened cornices, or portions, shall be removed and repaired or replaced to match as closely as possible the original pattern. All exposed wood shall be painted. Show windows, entrances, signs, lighting, sun protection, security grilles, etc. shall be maintained in good repair.
 - (B) Rear and side walls shall present a neat and fresh appearance. Rear walls shall be painted to cover evenly all miscellaneous patched and filled areas or stuccoed to present an even and uniform surface.

Sidewalls, where visible from the street, shall be finished or painted so as to be harmonious with the front of the building or structure.
 - (C) Chimneys, elevator penthouses or any other auxiliary structures on the roof shall be maintained as required for rear and side walls. Any construction visible from the street or from other buildings shall be finished so as to be harmonious with other visible building walls.

(e) Determination of Violation of Maintenance Requirements

Failure to maintain a building or structure in the manner provided by Section 157.0405(d) shall constitute a violation of this Planned District Ordinance and such building or structure is hereby declared to be a blighted building or structure.

- (1) Commencement of Proceedings. Whenever the City Manager has inspected or caused to be inspected any building, structure, premises, land or portion thereof, and determines that it is a blighted building used or maintained in violation of this Planned District Ordinance, he or she shall commence proceedings to cause the correction of each violation.
- (2) Notice and Order. The City Manager shall issue a written notice and order directed to the owner of the building with a copy to the Building Official. The notice and order shall contain:
 - (A) The street address and a legal description of real property and/or description of personal property sufficient for identification of where the violation occurred or is located.
 - (B) A statement that the City Manager has found the building to be in violation of this Planned District Ordinance with a brief and concise description of the condition found to be in violation.
 - (C) A statement of the corrective action required to be taken. If the City Manager has determined that corrective work is required, the order shall require that all required permits be secured and the work physically commenced within such time and be completed within such time as the City Manager shall determine reasonable under the circumstances.
 - (D) A statement informing the recipient that he must comply with required permit procedures for buildings, including requirements of the Gaslamp Quarter Planned District Ordinance.
 - (E) Any blighted building or structure not brought into compliance with the order of the City Manager or decision of the Planning Commission may be abated in accordance with the provisions of the Gaslamp Quarter Redevelopment Plan or other civil or criminal remedies provided by the San Diego Municipal Code may be instituted.

(f) Abatement

In addition to or as an alternative to any other judicial or administrative remedy provided in the Gaslamp Quarter Planned District Ordinance or by law or other ordinance, the City Manager may abate any of the properties on which any of the foregoing conditions exist under the provisions of the Gaslamp Quarter Redevelopment Plan as presently adopted or herein after amended

(“Minimum Maintenance of Structure and Facilities” added 3-27-2007 by O-19588 N.S.; effective 4-26-2007.)